

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**Docket Number (Optional)
29250-002013/US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

Application Number
10/786,454Filed
February 26, 2004First Named Inventor
Sarvar PATEL

On _____

Art Unit
2134Examiner
Roderick Tolentino

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,416.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Julie S. Yakura 43,158
Signature

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(703) 668-8000
Telephone number

June 3, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/786,454

Filing Date: February 26, 2004

Applicant: Sarvar PATEL et al.

Group Art Unit: 2134

Examiner: Roderick Tolentino

Title: METHOD OF GENERATING A CRYPTOSYNC

Attorney Docket: 29250-002013/US

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop AF

June 3, 2008

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Further to the concurrent filing of the attached Notice of Appeal, the following remarks are submitted in connection with the above-identified patent application under the Pre-Appeal Brief Review.

Claims 1-24 are pending in the current application. Claims 1 and 24 are independent claims. Applicants note that in claims 1 and 24, the last use of "session" should be replaced by "sessions." Therefore, Applicants request that the Examiner amend claims 1 and 24 by Examiner Amendment to reflect the indicated change.

Material under Review

Review is requested for the rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Rezaiifar et al., U.S. Patent No. 6,980,658 in view of Boneh et al., U.S. Patent No. 6,134,660.¹

REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-24 stand rejected under §103(a) as being unpatentable over Rezaiifar et al. (hereinafter "Rezaiifar"), U.S. Patent No. 6,980,658 in view of Boneh et al. (hereinafter "Boneh"), U.S. Patent No. 6,134,660. Applicants traverse this rejection.

Independent claims 1 and 24 recite similar features, accordingly, for brevity the patentability of the claims will be discussed with respect to claim 1. The Examiner alleges that Rezaiifar et al. teaches deriving two (2) cryptosync values. For support, the Examiner specifically cites column 2, lines 25-38.

Column 2, lines 25-38 of Rezaiifar et al. provides:

In one aspect, a method for transmitting authentication variables from a transmission end to a receiving end is presented, the method comprising: generating a crypto-sync value at the transmission end; generating a first authentication signature from the crypto-sync value and an encryption key at the transmission end; transmitting the crypto-sync value and the first authentication signature to the receiving end; generating a second authentication signature from the crypto-sync value and the

¹ See pages 2-6 of the Final Office Action mailed on March 3, 2008.

encryption key at the receiving end; incrementing the crypto-sync value at the receiving end if the first authentication signature and the second authentication signature match; and requesting an encryption key exchange if the first authentication signature and the second authentication signature do not match. (Emphasis added.)

As can be seen from the quoted passage above, Rezaiifar et al. teaches that only a single crypto-sync value is generated and transmitted. In the quoted passage above, Rezaiifar et al. teaches that two (2) authentication signatures are generated from a single crypto-sync value, but nowhere does it teach “deriving a value of a first cryptosync for the communication session, the first cryptosync having a life limited to the communication session, based on a value of a second cryptosync” recited in claim 1. (Emphasis added.)

Further, claim 1 recites, *inter alia*, “the first cryptosync having a life limited to the communication session” and “the second cryptosync having a life extending over multiple communication session[s].” The Examiner in rejecting claim 1 recognizes that Rezaiifar et al. does not teach the above features, but cites Boneh as curing this deficiency. The Examiner alleges that Boneh teaches “various expiration times for encryption keys” (emphasis added). See, Final Office Action dated March 3, 2008, at 3. However, the claimed features relate to the life spans of cryptosyncs, not encryption keys and therefore Boneh does not cure the identified deficiencies of Rezaiifar.

For at least the reasons given above, Applicants submit that independent claims 1 and 24 are patentable over Rezaiifar in view of Boneh. In addition, dependent claims 2-23 are also patentable for depending on an allowable base claim.

CONCLUSION

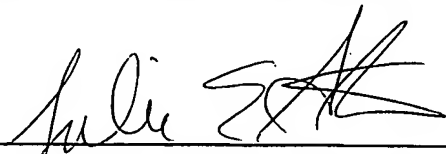
Accordingly, in view of the remarks, reconsideration of the rejections and allowance of each of claims 1-24 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Pre-Appeal Brief Review Board is respectfully requested to contact the undersigned at the telephone number.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKY & PIERCE, PLC

By 

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